
A REPORT

**TRAINING WORKSHOP FOR THE DEPARTMENT OF CLERKS
OF THE PARLIAMENT OF UGANDA**

Held at

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TABLE OF CONTENTS

List of Acronyms	iii
1.0 Introduction	1
1.1 Opening Remarks by Mr. Dison Okumu, Director, Planning and Development Coordination Office (PDCO) of Parliament	1
1.2 Remarks by Sir Colin Shepherd	2
2.0 Methodology	2
2.1 The Role of Designated Officers/Offices in the Management of Parliamentary Business in a Multi-Party Parliament	2
2.2 Conduct Expected of Parliamentary Officials in a Multi-Party System.	4
2.3 Parliamentary Procedures and Terms Commonly used in Multi-Party Parliamentary Settings	5
2.4 Determining and Managing Parliamentary Business in a Multi-Party Parliament	8
2.5 The Composition of Committees and the Conduct of Committee Business in a Multi-Party Party	10
2.6 The Role of Opposition (business) in the Functioning of Parliament in a Multi-Party System and With Regard to the Committee of Supply	11
2.7 Whips and Whipping	15

TABLE OF CONTENTS

2.8	The Role and Relationship of Political Party Groups (Caucuses) Vis-à-vis is Parliamentary Service Staff in a Multi-Party Parliament	17
2.9	Compare and Contrast Challenges for Clerks Working in a Multi-Party Parliament and a One or No Party Parliament	18
3.0	Closing Remarks	20
	▪ Sir Colin Shepherd, Facilitator	20
	▪ Mr. Jerry Henderson, the Chief of Party, Legislative Support Activity – LSA	20
	▪ Ambassador George Jones, Director, Democracy and Governance Programs, Development Associates, Inc	21
	▪ Mr. Paul Wabwire, Deputy Clerk, Legislative Services, Parliament of Uganda	21
	Annexure	22

LIST OF ACRONYMS

CSOs	-	Civil Society Organizations
LSA	-	Legislative Support Activity
MP	-	Member of Parliament
OPPD	-	Office of Parliamentary Professional Development
PAC	-	Public Accounts Committee
PDCO	-	Planning and Development Coordination Office
PSIDP	-	Parliamentary Strategic Investment and Development Plan
UK	-	United Kingdom
USAID	-	United States Agency for International Development

1.0 Introduction

The Planning and Development Coordination Office (PDCO) of Parliament with support from Legislative Support Activity – LSA organized a training workshop for the Department of Clerks of the Parliament of Uganda. As Uganda moves towards multiparty democracy, the Clerks of Parliament will need to be trained to serve in such an environment. The transition to multi-party democracy will impact on the management of Parliamentary business. In order to contribute to the state of readiness of the Parliamentary Service, the Planning and Development Coordination Office (PDCO) of Parliament, in consultation with the Department of Clerks, planned and conducted training for the Department of Clerks on the Management of Parliamentary Business in a multi-party Parliament.

The training was purposed to:

- Orient Parliamentary Clerks to environmental and procedural changes that may occur in a multi-party Parliament;
- Provide information on the role of designated officers/offices in the management of business in a multi-party setting;
- Encourage dialogue among the Clerks on their state of readiness for the transition and highlight for action any needs identified; and
- Learn from the experiences of other Parliaments that practice multi-party democracy.

1.1 Opening Remarks by Mr. Dison Okumu, Director, Planning and Development Coordination Office (PDCO) of Parliament

Mr. Okumu welcomed the participants to the training workshop organized by the Planning and Development Coordination Office of Parliament. He said this was the first in a series of similar training workshops to re-orient Parliamentary Staff to work in a multi-party environment.

He pointed out that the workshop was funded by the United States Agency for International Development (USAID) through the Legislative Support Activity Project – LSA, undertaken by Development Associates. It was arranged in line with Activity No. 45 of the *Parliamentary Strategic Investment and Development Action Plan*, (PSIDP) 2004–2007 under the theme of “briefing for Parliamentary staff on the impact of multiparty democracy on the functioning of Parliaments”.

He noted that despite the several postponements over a period of one and a half years, this training was finally taking place. He vowed to strive to ensure that as many Parliamentary staff as possible get this type of orientation training prior to the setting in of a multi-party Parliament.

Mr. Okumu stated that PDCO was busy mobilizing resources so that other capacity building programmes including, study visits and attachments to other Parliaments operating in a multiparty setting, would be undertaken. He also pointed out that the workshop should be regarded as an initial step, in preparing the participants to work in a multiparty setting and that other more specific trainings will continue to be carried out even when the new political dispensation has set in.

Mr. Okumu recognized the presence of Sir. Colin Shepherd as the guest speaker and main facilitator at the workshop, considering that he had a wealth of experience in Parliamentary practices and procedure. He further stated that Sir Shepherd was not new to the Parliament of Uganda as he was instrumental in the setting up the Office of Parliamentary Professional Development (OPPD) that has now evolved into the Planning and Development Coordination Office.

He wished the participants good deliberations, and hoped it would prepare the Clerk's Department for better service delivery. He then officially opened the workshop.

1.2 Remarks by Sir Colin Shepherd

Sir Colin Shepherd thanked Mr. Dison Okumu for his opening remarks. He said that the workshop was organized because Parliament was one of the most important institutions in the country. He added that the stronger the Parliament institution, the better for the country, hence the need for everybody involved in the environment of Parliament to be fully oriented. He reminded the Clerks that they were the essential wheel in the machinery of Parliament and that without them, Parliament could not function.

2.0 Methodology

Sir Colin Shepherd, a Senior Legislative Specialist, facilitated the training workshop. The workshop was participatory in nature. This entailed a brief presentation by the facilitator per session, which would then be followed by in-depth discussions on the various topics, coupled with a question and answer sessions.

2.1 The Role of Designated Officers/Offices in the Management of Parliamentary Business in a Multi-Party Parliament

a) The Role of Presiding Officer

It was stated that historically the Speaker was elected by the Members of the House to report the decisions of the House to the ruler of the country. Today the Speaker is the ultimate authority in the House with the basic roles of:

- Chairing the proceedings in the Chamber
- Presiding over the workings of the House in other respects

In the multi-party context, the Speaker would be expected to act with impartiality at all times. Responsibility for implementing the Rules of Procedure, protecting the House from pressures brought to bear by the Government, protecting the rights of back-bench members regardless of their party affiliation and ensure that the views expressed by the various parties are heard in a measure that reflects their relative strengths in the Parliament are all vested in that office.

Issues Raised

What can the Speaker do in instances where he/she is accused by both the Government and the opposition that he/she is favouring the other side?

It was pointed out that it is highly probable that when such accusations are levelled against the Speaker by both the Government and the Opposition, then, the Speaker is doing his/her job right, that is, the Speaker in that instance is being neutral in presiding over business in the House.

b) The Role of the Clerk

Presently, the Clerk is among other duties is mandated to provide expert advice on Parliamentary practice and procedures at all times when the Speaker or Deputy Speaker is presiding in the House. In the multi-party context, an additional overlay to his many functions relating to the Committees, the Parliamentary Commission, the Board of Management, is to ensure the even handedness of the provision of advice to members through his responsibilities and to keep a wary eye out on behalf of the Speaker so that his/her impartiality is maintained. Where need be, the Clerk is bound to advise the Speaker to take into consideration circumstances that may put his/her personality under scrutiny for partiality.

Issues Raised

How and where would the Clerk advise the Speaker on matters that are likely to put his person to question in respect to partiality?

It was stated that the Clerk would play such a role in the privacy of the Speaker's Chambers.

c) The Leader of Government Business/Prime Minister

The Prime Minister is the representative of Government in the House (the leader of Government business). In the multi-party mode, although he/she will be seeking to develop the programme of business in accordance with the wishes of the Executive in cabinet, the method of doing so will be more influenced by the institutions that evolve and which involve the reasonable interests of the official opposition and minority parties.

d) The Minister of State for Parliamentary Affairs

The State Minister for Parliamentary Affairs is the de facto assistant/deputy for the Prime Minister in the House. His/her role will largely replicate that of the leader of Government business.

e) Leader of the Official Opposition

The lead spokesperson for the largest opposition party or of perhaps an alliance of minority parties containing the largest number of MPs.

The Leader of the Official Opposition, in Executive Presidency situations (like Uganda) would ‘shadow’ the leader of Government business in all his/her functions. Similarly, the opposition would designate opposition members to ‘shadow’ each Ministerial Portfolio thereby creating the Shadow Cabinet.

f) The Shadow Cabinet

The Shadow Cabinet is a non-statutory body organised by the Official Opposition to ensure that appropriate criticism (or approval) is able to be voiced, to provide a mechanism which enables Ministers to be called to account for their decisions or the performance of their departments, and to provide a platform for the promulgation of alternative policies.

g) Government Chief Whip

The Government Chief Whip is a member of the ruling party appointed by the Executive with the brief to ‘deliver’ the Government’s business and ensure the discipline of the Parliamentary Party.

h) Opposition Chief Whip

The Opposition Chief Whip is a member of the largest opposition party who is charged by the Leader of the Opposition with ensuring an effective turn out of his/her party colleagues, in votes of perceived importance and to ensure the discipline of the party in the House – as well as being a major strategist of opposition.

2.2 Conduct Expected of Parliamentary Officials in a Multi-Party System

It was highlighted that the conduct of Parliamentary officials in a multi-party democracy is fundamental. The following were highlighted among the required attributes in the conduct by Parliamentary officials:

- Neutrality
- Knowledge and expertise
- Courtesy at all times

- Helpfulness
- Awareness
- Patience

Sir Colin Shepherd stated that Clerks are the essential oil in the mechanisms of Parliament. The better they function, the less they are noticed, but without them it all grinds to a halt.

2.3 Parliamentary Procedures and Terms Commonly Used in Multi-party Settings

a) Dilatory Motions

Dilatory Motions are deployed to delay proceedings. An example of this practice is the use of Rule of Procedure 40(1) on Motions without Notice. A Motion for the adjournment of a debate or of the House during any debate or of further consideration of a Bill, or ‘that the Chair do report progress’, or ‘do leave the Chair’ are other examples.

It was highlighted that this is a tool that is often used by the opposition and the Speaker has the discretion to either allow such motions or to dismiss them.

b) Adjournment Motions

Sir Colin Shepherd stated that in a multi-party situation, the likelihood is that the provisions of Rule 45(1) and 46(1) would be more often tried on and that the half hour adjournment under Rule 48 would be more sought after because of a more competitive media environment. Incidentally, a Motion couched in the term ‘That this House do now adjourn’ is not amendable and so forms a useful method of discussing a topic without risking a damaging outcome politically.

The Speaker has the discretion to either allow or disallow a motion and is at liberty to say that he/she has considered the proposed motion and thinks that it is inappropriate without giving any specific reasons for disallowing it, or else he/she risks endless discussion on the matter.

c) Cut Motions

It was pointed out that Cut Motions are a device used by oppositions to draw attention to a matter of criticism. For example to criticise a departmental performance by moving the motion, ‘that the salary of the Minister be reduced by x shillings’. Although Government would move an amendment to negate that, the debate would revolve around the failure or poor performance of that Minister or department.

d) Motion of No Confidence

In the event of a crisis, The Opposition tables a Motion of no Confidence. For credibility, the expectation must be that the result will be close or decisive so it is only used in extreme cases.

Such motions take precedence and must be debated at the earliest opportunity and disposed of.

e) Floor Leaders/Floor Managers

The terms Floor Leaders and Floor Managers relate to the way in which relationships between parties in the United States Congress are conducted including the order of speaking etc. are determined.

f) Ranking Members

It was stated that this concept entails ranking Members of Parliament on the basis of seniority of service in Committees, which results in the longest serving member taking the Chair and has the according rank – as does the Vice-Chairperson.

It was however noted that this system does not guarantee the attainment of quality leaders, as longevity of stay in the house does not necessarily mean that such leaders are knowledgeable and skilful in Parliamentary Practices and Procedures.

g) Guillotine

Guillotine is a United Kingdom (UK) term and is sometimes known as Timetable Motion. It is a device used by Government to limit and timetable debate on a Bill after Second Reading so as to expedite passage. The practice has been even more refined by moving a 'Programme Motion' when the Bill is tabled for Second Reading with a programme then set by a Business Committee immediately after. That saves the opprobrium of having to have a debate on the Timetable Motion for three hours.

It was noted that the only weapon that the opposition has is time. Governments therefore devised the guillotine to force through legislation that was deemed contentious by regulating or limiting debate.

The use of the guillotine has led to a lot of bad legislation being passed in the UK because the necessary Committees did not review the bills.

h) Filibuster

The Filibuster was originally an American expression. It is now widely used to describe the practice of speaking at inordinate length so as to absorb parliamentary time with an ulterior objective. This entails a filibuster boss allowing interjections from colleagues and

hence taking more time than that allocated. It was however pointed out that this could be done away with by strict adherence to time allocation.

i) Chairman of Ways and Means

The Chair of Ways and Means is a role played by the First Deputy Speaker in the UK, appointed by the House. In order to balance the non-vote of the Speaker who is usually from the Ruling Party, an Opposition member of parliament usually plays this role and vice versa. The Chair of Ways and Means takes the Chair for the Financial Statement and for proceedings on the Finance Bill at Committee Stage taken on the Floor of the House. He/she chairs the Business Committee to determine the nature of the timetable of Bills subject to a Programming Resolution.

Issues Raised

Should the Chairman of Ways and Means be the Chairman of the Appointments Board?

This question was highlighted in the context of instituting checks and balances because the appointees are usually supporters of the government. Considering that the Chairman of Ways and Means is usually a member of the opposition, would bring about transparency in the system and would ensure that the right people are approved by the Parliamentary Committee on Appointments to take up the offices in question.

j) Chairmen's Panel

The Chairmen's Panel is a panel of members nominated by the Speaker to act as temporary Chairs of Committees when requested by the Chair of Ways and Means. The Panel includes the Chair of Ways and Means and the Deputy if there is any.

Issues Raised

Where does Second Reading stop?

It was clarified that in the UK, the second reading is meant to discuss the principle of the Bill. A Bill is tabled at its first reading. After two weeks, it should be taken for Second Reading because by then, the Members of Parliament are expected to have read it and grasped the principle of the Bill.

What can be done about the phenomenon of observers when voting in Parliament?

How is voting done by the different categories of voters else where in the world?

Sir Colin Shepherd stated that in Uganda and India, among other countries, questions are put on Motions, but there are many abstentions. This has led to a new category of people called observers. For instance, in India a Motion considering the unbecoming behaviour

of a certain Judge was lost when the observers were more than the supporters, non-supporters and the abstentions.

It was also noted that observers are likely to be more prevalent in a non-party system unlike in a multiparty system where party members have to be vigilant in support of their party position. It was summed up that this was a bad practice, but it was up to Parliament to stand up to it and stop it from happening.

In Uganda, the President works directly with the MPs. How would the situation be handled if the majority of MPs were from the opposition?

It was stated that this particular situation could be handled through negotiations especially “behind the door” negotiations. An example is evident in the US Congress where there are no ministers in the House, that is, a Republican Government and a Democrat House, and the Government has had to have an alliance in the House.

k) Coalition Government

A Government formed by the coming together of two or more parties, none of which command a majority in the House. Some electoral systems lead inevitably to coalitions. A case in point is Israel. Such alliances involve much wheeling and dealing – and compromise – not necessarily leading to stability.

Issues Raised

What can the technical people do in order to do away with the problem where the Executive is so strong and Parliament is a puppet, which has led to the population losing faith in Parliament? A case in point is the recent breach of the Parliamentary Rules of Procedure where Government, which had initially lost on the Motion regarding a proposed referendum on the change of the political system from the Movement to multi-party democracy, was able to have Parliament reconsider the matter within the same session despite the fact that it was a blatant breach of the Parliamentary Rules of Procedure. This was found to be an issue of concern and the Clerks were cautioned against getting involved in such schemes or else, their impartiality would be in jeopardy. It was stated that it was up to Parliament to use the power entrusted to the institution to stand up to the pressure from the Executive or else Parliament as an institution becomes irrelevant.

2.4 Determining and Managing Parliamentary Business in a Multi-Party Parliament

Sir Colin Shepherd discussed the process through which Parliament determines and manages its business. He further discussed the ways in which several Parliaments including those of France, Germany and Europe have established what might be termed their “Bureau of Parliamentary Business.” Sir Colin Shepherd further discussed the

composition of the said Parliaments and stated that these sometimes included the following:

- Speaker or Chair of Ways and Means
- the Leader of Government Business and Shadow Leader of the House
- Senior back benchers from the ruling party and representatives of the opposition and minority parties, proportionate to their strengths - but appointed by their parties - making a total of nine or so plus the Senior Clerk to the Service Bureau.

Sir Colin Shepherd stated that there is a parallel with the Parliamentary Commission. That in the UK, the Bureau deals with the management of the business of the House whilst the Commission deals with the administration of the House. He highlighted the strong temptation for the ruling party to go down the line of 'winner takes all'. This needs to be firmly resisted and since the tables can be turned in subsequent elections, the axiom needs to be 'do as you would be done by'. Another component of stability is the recognition that *'whilst governments will get their way, oppositions must have their say'*.

The need is to establish a robust, respected and trusted mechanism or institution for determining and negotiating such matters as the business, the proportions of Chairs of key Committees because minority parties do have to be proportionately accommodated.

Several European Parliaments have led the way in developing this through the establishment of what might be termed their 'Bureau of Parliamentary Business'. The French, the Germans and the European Parliaments are examples. The way the UK does things is typically less structured and more shrouded.

A typical composition might have the Speaker or Chairman of Ways and Means in the chair. The leader of Government business and the Shadow Leader of the House, further senior backbenchers from the ruling party and representatives of the opposition and minority parties proportionate to their strengths – but appointed by their parties and a Senior Clerk to service the Bureau.

The Leader of Government Business informs the Bureau of what he/she is minded to programme. Recognising that there are limitations of time, a negotiation then ensues whereby the opposition indicates what it will give fair wind to, provided it has opportunity to get some of their agenda aired. It was noted that, this is perhaps the only area where there is any practical – but informal – interface between Clerk and the political dimension. From time to time, it may well become necessary or appropriate to balance the rectitude of due parliamentary process with the political reality. A good and sensitive leader of the House and a good Parliamentary Officer will strive to achieve this – informally. This is an example of oiling the wheels.

It was pointed out that Parliamentary Business is not predictable as evidenced by the length of time taken by Ministerial Policy Statements and private questions which usually take up time that is ordinarily set aside for other issues listed on the Order Paper.

Sir Colin Shepherd advised that instead of asking questions after the Speaker's Communication from the Chair, it was better for the MPs to follow the Order Paper and ask the structured questions which would then be answered by the concerned Government Ministry.

Issues Raised

What is the relationship of the main stream staff vis a vis the political party staff at Parliament?

It was stated that there would be no need to have multi-party staff at Parliament. That the usual Parliament staff would work with all the Members of Parliament despite their political inclination and that

Government would specifically have to fund research by political parties. The political parties would then be fully responsible financially for their other activities.

How do MPs get to know what the Business of the House will be?

This question was raised bearing in mind that in Uganda, the daily Order Paper of Parliament is released about three hours prior to the sitting of the House. This does not give room to the MPs to prepare for the ensuing debate and hence giving leeway to the enactment of either bad or insufficient legislation.

2.5 Composition of Committees and the Conduct of Committees in a Multi-Party Parliament

It was stated that multi-partyism would almost certainly result in substantial changes on how Uganda's Committees will be structured and derived – particularly Standing Committees and Sessional Committees.

In the multi-party environment, Committees are generally required to “have regard to the qualifications of those members nominated and to the composition of the House”

This criteria gives rise to the following questions:

- Who will nominate?
- Who will select?

The various parties represented in the House will want to have a say so as to deploy their talents for best effect.

Each party will almost certainly be maintaining a database relating to the talents, backgrounds, interests and expertise of their Parliamentary members and proportionality of membership meaning that there has to be participation by opposition and/or minority party. The party organs ensure that they put forward their preferred candidates for membership of particular Committees.

Selection will either take place as part of the overall Bureau negotiations or perhaps by a Committee of Selection charged by the Bureau with this task.

How the Committee derives its Chairperson is likely to be governed by the negotiations conducted in the Bureau. Custom and practice Commonwealth-wide has the chair of the Public Accounts Committee being held by a senior backbencher from the opposition parties, specifically the official opposition.

Sympathetic Chairing of Sessional Committees frequently results in substantial degrees of cross party consensus amongst members which adds greatly to the credibility and reputation of the Committees. Sessional Committees will probably want to distance themselves from the Ministers of the Departments within their remit.

Sir Colin Shepherd stated that he hoped that the Clerks would be able to provide feedback and receive information on issues that they felt would better improve their work.

Issues Raised

Can the opposition use Civil Society Organizations (CSOs) to demonstrate against bills that are deemed unacceptable and unpopular?

It was highlighted that a strong Civil Society would tremendously impact on the Proceedings of Parliament and therefore there was no problem with Civil Society keenly following the proceedings of Parliament. The strength of Civil Society would reflect the level of good governance prevailing in a given country.

2.6 The Role of the Opposition (business) in the Functioning of Parliament in a Multi – Party System and with Regard to the Committee of Supply

It was discussed that the primary role of the opposition in Parliament is to hold the Government accountable, to expose the failure of policy and its implementation. To do that effectively in the context of an executive presidency, there are two concepts which need to be understood:

- The concept of Loyal Opposition
- The concept of Loyal Criticism

The concept of Loyal Opposition is utter loyalty to the Nation and reflects the view of those parties not successful in securing a majority in the House, that there are better ways of doing things and better policies if they were to have the chance.

Loyal Criticism implies no personal disloyalty to the Presidency (elected by popular adult suffrage in the president's own rights) but it is a manifestation of the view that perhaps the President's appointees as Ministers are pursuing policies incorrectly or are not up to the job given to them.

The means of expressing opposition and or criticism has to be contained in the Parliamentary Rules of Procedure which have to be implemented scrupulously. There have to be opportunities for opposition parties to choose the subject for debate from time to time. As an example, the UK House of Commons makes the following provisions:

Standing Order 14

According to Order 14; it is provided that:

1. Government Business shall have precedence at every sitting except as provided in the Rules of Procedure.
2. Twenty days (20) shall be allotted in each session for proceedings on Opposition Business, seventeen (17) of which shall be at the disposal of the Leader of the Opposition and three (3) shall be at the disposal of the Leader of the Second Largest Opposition Party, and matters selected on these days shall have precedence over Government Business.

These opportunities enable the opposition parties to put forward alternative policies in a constructive manner whilst drawing attention to perceived government shortcomings.

With regard to the Committee of Supply, it was highlighted that there is an old adage which states that:

“No supply without grievance”

The debates in the Committee of Supply are likely to take on a different complexion, with perhaps the opposition financial spokespeople using the opportunity to criticize in philosophical terms government plans for expenditure.

In the case of Uganda, there is an issue that is important, that is the one of Loyal Opposition. All Ugandans have to maintain loyalty to the nation as a first principle. Ugandans should be able to indicate that the Government has not effectively served or catered for the welfare of the nation. Loyal Opposition should be able to be objectively criticize the Government as well as give praise when it is due.

It was stated that in Africa, there is a very remarkable deference to authority that is, “The Chief is right.” This phrase has always been unscrupulously manipulated . There is a general feeling that criticizing the President, who is democratically elected, is being disloyal. How can the opposition therefore be critical of the Presidency without appearing disloyal? The Presidency has sometimes appointed Ministers from outside the Parliament. The challenge for the opposition is to be able to realise that it is not disloyal to criticize Ministers appointed by the President.

The procedure allowing for expressing different opinions must be explicitly contained in the Parliamentary Rules of Procedure. The opposition will be looking very critically at the implementation of the Rules of Procedure.

An analysis of the Uganda situation was made. It was noted that in the current situation, the Parliamentary Rules of Procedure do not provide a modus in which the opposition can express its opinion. There is no opposition in Uganda and not very many Private Members Bills have been brought.

The Participants indicated that the Private Members Bills brought in Uganda so far include:

1. Budget Act
2. Administration of Parliament Act.
3. Ammendment of Parliament Act.

With regard to the Committee of Supply, Sir Colin Shepherd pointed out that, “whilst Government must have their way, the opposition must have their say”. The duty of the opposition is to ensure that the Government spends the resources effectively.

It is quite likely that the opposition will use the Committee of Supply debates in order to criticize the way Government runs its business. It is not just for the sake to oppose whatever the Government does. The opposition must always be objective in its criticisms and be mindful of how it is percieved.

Issues Raised

Are the twenty (20) days set aside for Private Members Business (Standing Order 14) the only opportunity available to the opposition in the UK to bring forward their business before the House?

Sir Colin Shepherd in response stated that Government Bills are discussed on Tuesdays and Thursdays while Private Members Bills are handled on Fridays. A ballot system is used and a Member of Parliament who wishes to bring a Private Bill puts a ballot and if their ballot comes up, then such a member is given an opportunity to present the Bill.

This is a kind of chance game where all parties have an equal chance to compete for space on the Order Paper.

However, the prerequisite for acceptance of a Private Members Bill is that the same should not have any financial implications. For example, a Member in the House of Commons brought a Bill proposing that the motor vehicle number plates be changed to improve visibility. He suggested that the front number plate should be white in colour and the back, yellow in colour. This Bill successfully went through the House because it was not very controversial. In 1967, a Bill was brought to legalise abortion. It led to a lot of hullabaloo around, with both the pro-life and pro-choice supporters coming out in droves. It was however pointed out that Governments sometimes use Private Members Bills to get contentious Bills out, in order to avoid getting bad publicity.

It was stated that in the UK, the Filibuster Method is tremendously used. In situations of Contentious Bills, questions are normally put before 2.30 pm on Fridays. In case there is no position reached that is, no Closure Motion, the same is adjourned. There is need however, to have support of at least one hundred (100) members. Normally, those who oppose the Bill make sure that the debate goes on beyond 2.30 pm without reaching closure.

Sir Colin Shepherd underscored the need for the Parliamentary Rules of Procedure to contain the modus of bringing Private Members Business.

He advised that since the Clerks present have had a hands on experience of Rules of Procedure in the no party system, they would be best placed to advise Parliament to develop Rules of Procedure in a multi party system.

The Clerks were advised that this should be done taking into consideration the financial budget of Parliament. The requirement for having no financial implications often hampers very many upcoming Private Members Bills.

What can be done to ensure that Private Members Bills are not stifled?

The prerequisite for a Bill not to have financial implications is hinged on the fact that only Governments should spend funds. Governments need not be committed financially by Private Members Bills because there is an ongoing revenue debate on the part of Government. It is safer for the Government to state that Private Members Bills should have no financial implications. Further, the issue of Government passing bills and actually having no money to implement them was discussed. The discussion focused on Government Bills in relationship to financial implications.

This was found to be very true because every Bill is required to have a Certificate of Financial Implications. It was noted that often Governments print money to finance the implementation of Bills thus causing inflation. It was emphasized that the Parliamentary Budget Office should always give neutral information to both the Government and

Opposition. This office conducts ongoing analysis of the budget and the economy which was appreciated as a good practice.

The Clerks pointed out that the only way to increase the number of Private Members' Bills is to remove the necessity of them having no financial implication. In response, Sir Colin Shepherd highlighted the fact that the Department of Clerks has a lot of influence and could engineer change. It was acknowledged that there is need to amend the Parliamentary Rules of Procedure to include ways in which to bring Private Members Bills. This should take into consideration Article 94(a) of the Constitution of the Republic of Uganda which provides that "Government business should take precedence". This article could be amended. Parliament should be told what to do but not how to do it. It was suggested that best practices could be drawn from Kenya and Ghana in this regard.

The Department of Clerks was advised to get in touch with the Chairperson of the Committee on Rules and Privileges, or Committee on Legal and Parliamentary Affairs to conclusively discuss this issue .

The participants noted that Article 84 of the Consitution bars back benchers from bringing Private Members' Bills or even moving motions on the same. That this further curtails the bringing of Private Members' Bills.

Sir Colin Shepard stated that it is incumbent upon the opposition parties to prove their potential as regards their ability to provide a better alternative in the way the country is being run. They should be objective in their criticism . On the part of Government, there is need for it to remember that the opposition is elected and therefore legitimately in Parliament and therefore respect their opinions and criticisms.

Sir Colin Shepherd further stated that there was need to have a very independent media that balances its political reporting instead of negatively portraying one side, which is usually the opposition. He further observed that there is need to have loyal tolerance of opposition by the Government other than viewing the opposition as a bunch of criminals who simply criticize Government for the sake of it.

There is often a belief that the ruling party runs the Government's Business. However, Govenment is reluctant to hand the running of financial business to the opposition. It was recommended that there is need to have a balance.

There are certain situations where the Government adopts a Private Members Bill. Is this common in the UK?

It was noted that, the advantage for the Private Member is that he or she gets the clout of Government. Of course this means that the member does not receive any recognition for bringing such bill but the Bill does get passed.

2.7 Whips and Whipping

It was stated that Whips and Whipping are matters with no “clerkly” input. It was stated that whipping is about getting a political party to act in concert for greater effectiveness. Reference was made to the analogy of a pack of dogs acting together as far more effective in hunting the quarry than dogs running alone. The person achieving this cohesion of the pack is the “whipper in” or more shortly, the “whip.”

From time to time a political party will have arrived at a particular stance on an issue and will want to make that point by voting solidly in a bloc. Not all members of a Political Party think the same way and the larger the party, the greater the scope. There is room for variance. Techniques have evolved for generating cohesion where there is potential difference. The Party Whips seek to sort these matters out. Whips are MPs of their party, appointed by their party leader and each charged with a portfolio of subjects to cover. In addition, each is allocated a number of individual MPs to “nurse” and get to know. This is the matrix of whipping.

The Chief Whip oversees the whole operation and on the Government side, advises the cabinet on whether their proposals will get through the House, and whether there are areas of concern. Whips attend the Party Caucus and other party meetings to garner knowledge of potential trouble.

The Deputy Chief Whips co-operate across party lines to maintain the *unofficial* Register of Pairs. “Pairing” between government and opposition members does not affect the majority in a given vote – it only affects the number of members voting. However, if there is a minimum number of votes needed for the outcome to count, then the Government Whips have to ensure that they always have sufficient MPs ready to vote.

On Techniques of Whipping, it was stated that the party leader will appoint a member to be a Chief Whip and other members to assist him or her.

- Each whip will be given a number of topics
- Matrix is normally divided in two parts, the geographical area of the country as well as the issues
- Duty of the whip is to know as much as possible about the members they are in charge of
- Must know what their members opinions are about issues at hand
- Know about the member’s private life on matters like family and financial status because these often impact on how they implement parliamentary business

- Need to determine ways in which to bring errant members on board in respect to certain issues. After such a meeting, the Chief Whip is able to advise the Parliament on what way the voting on an issue is going to go
- Whips are sometimes known as the “Sewers of Parliament”, they have knowledge , both good and bad, about their members. However, they have to maintain absolute confidentiality about such information.

a) Business of Pairing or Registry of Pairs

Sometimes members of the opposition are paired with ruling party members. This allows for a balance of membership in Parliament. It enables equal representation of all parties and gives the members opportunity to attend to their other business. It is also beneficial because the members know the results of their votes before it actually happens. Some parties appoint Pairing Whips in order to handle the business of pairing.

b) Modes of Whipping Members

The whips request for the presence of their members in the following manner:

- Ordinary matter : Your presence is required
- Important Matter: Your presence is required unless you have registered a firm pair
- Very Important Matter : Your presence is highly required.

Issues Raised

What happens in situations where individual members have a position different from that of the party?

It was stated that in the UK, a dissenting member will have an opportunity to communicate his dissent during the debate by sending a note to the Speaker requesting for an opportunity to speak. It is during this time that he will give his reasons for dissenting. In Australia, the party members take a debate in caucus and members have to toe the party line (politically speaking) or risk losing their parliamentary career. In South Africa, taking a view that is different from the party's view is viewed very seriously.

What remedy or control does the Whip have over his/her members in situations of secret ballots?

There are no secret votes in the British parliamentary system. Every vote is a named vote. The Whips are trusted and it is hoped that they will not fiddle with or manipulate the result. However, there are in House secret votes on party matters during the caucuses.

2.8 Role and Relationship of Political Party Groups (Caucuses) vis-a-vis the Parliamentary Service Staff in a Multi-Party Parliament

The short answer is that there is neither any role nor any relationship between the political party groups and the Parliamentary Staff. Parliamentary Staff, be they Clerks, Researchers, Hansard, Administrators or whatever, must maintain complete detachment from the party groups in the Parliament. The staff must treat all members in exactly the same manner and must exhibit neutrality in their work and be even handed in so doing. They should not indicate any political leanings in their work. Party caucuses have to organize and fund their own secretariats. It is one thing for the House to provide the parties with space in which to hold their offices. However, it is for the parties themselves to avail funding for their secretariats. Likewise, if the caucuses are cross – party in membership, there can be no relationship or involvement with any parliamentary staff on a personal or service level other than the even handed provision of facility in accordance with established rules. An example of this is the booking of meeting rooms through the good offices of the Sergeant-at-Arms.

Issues Raised

Considering that Parliamentary staff should not be involved in caucuses even at a personal level, what is wrong with parliamentary staff for instance associating with a religious association at Parliament?

It was stated that if the involvement is entirely religious based, then it is okay. However, if the association begins to take positions on political issues, then it ceases to be a religious association. The Clerks were advised that the golden rule is for Parliamentary staff to be neutral at all times in executing their work.

How can a Clerk to a Parliamentary Committee avoid being influenced by the Political inclination of the Chairperson of the Committee?

The Clerks were advised to be cautious about the actions of their Chairpersons as they may be interpreted as views shared by both the Committee and its Clerk.

Are there no situations where the Clerks Department can service a shadow government of a party?

It was stated that a shadow government of a party is still a party matter and the Clerks have no function servicing such meeting. The clerks should treat all party members like all parliamentary members.

Various caucusses in Parliament (Women, Youth, People With Disabilities - PWDs) have different needs and the Office of the Department of Clerks needs to build their capacity in order to enable such caucusses deal with the bigger Parliament. How should this be done?

There is need for the Department of Clerks to deal with all these caucuses in a balanced manner without regard of their political leanings. The Department is boosted in its operations by other Departments like Library and Research Services.

Can a Clerk associate with a Parliamentary Caucus on personal level?

The golden rule is that the Clerks are free to associate with any caucus on personal level as long this clerk does not betray his/her neutrality. Such a Clerk must not in any way involve himself/herself in matters of a political nature.

In most Parliaments the leader of Government opposition is the Chairperson of Public Accounts Committee (PAC). How can a Clerk working with the Public Accounts Committee maintain neutrality?

This position of the leader of opposition being the Chairperson of PAC is a general one and exceptions do exist. However, the PAC is an institution and a Committee like any other and its membership comprises of both members of the opposition and ruling party alike. The Clerk must in all operations maintain neutrality and deal with the PAC as an institution rather than serving the interests of an individual member.

How does a Clerk working with a particular Committee ensure that the political thinking or belief of the Committee Chairperson or members does not influence his thinking?

Sir Colin Shepherd agreed that of course this was a continuous challenge for the clerks. There is need to always remind oneself that as a Clerk, one has to remain neutral and often desist from making statements that lean towards a particular political belief. A clerk is however in a position to guide the Chairperson of a Committee on matters as well as maintain neutrality while doing so.

2.9 Compare and Contrast the Challenges to clerks working in a Multi-Party Parliamentary and a No-Party Parliament

The main challenge for the Clerk in the multi-party environment is never to discuss or even let it be perceived where his/her personal political preference lies. Dealings with members have to be exactly equivalent regardless of their political affiliation. Although in both systems, the absolute loyalty to the Parliament has to be paramount, if the guard slips then there is severe risk of career blight on a personal level and loss of trust in the department overall, because folks talk and compare notes. Knowledge of the Rules of Procedure is very crucial in this situation as Clerks deal with both ruling party members and the opposition.

In the “No Party” system, the challenges are far less. Knowledge of the Rules is equally important in giving advice to members as to how they might phrase their questions to Ministers or whatever, all are on the “same side” so it is only personal likes and dislikes in respect of the Members that has to be subjugated.

Challenges

- a) The issue of neutrality is very critical and will often be challenged. Unlike the Speaker whose task it is to ensure that he/she maintains impartiality and proportional neutrality especially taking into consideration the rights of the minority, the Clerks have a duty to maintain neutrality in all aspects in a balanced manner. In instances where Clerks have personal relationships with members, the Clerks should ensure that such relations do not have any political leaning.
- b) The need to urgently review Rules of Procedure to reflect plurality. It was stated that the current Rules of Procedure do not take into consideration the issue of plurality. There is need to take into consideration the structure the House shall take in a situation of plurality. It may be useful for the Department of Clerks to draw examples and best practices from other jurisdictions that have undergone political transition, that is changed from a one-party state to a multi-party one for instance Kenya, Zambia and Ghana.
- c) There is need to address Article 94 of Constitution of the Republic of Uganda because it is going to paralyse the transition. While amending this article, there is need to take into consideration the issue of clearly highlighting the mandate of Parliament but avoid spelling out how it should be done.
- d) While amending the Rules of Procedure, there is need for the Rules, Privileges and Discipline Committee to seriously take into consideration ways and opportunities through which private members can bring their bills and actually succeeding.

Observations

- It was observed that presently, members of the House prefer recommending ideas for private Bills to Government as opposed to bringing the bills themselves. This situation exists due to the current existence and composition of sessional committees in the non-party state. However, in a situation of plurality this was expected to change.
- The Government often “hijacks” Private Members Bills before they are tabled. This should however not prevent the Rules, Privileges and Discipline Committee from stating opportunities in which Private Members Bills can be brought in a situation of plurality.
- Governments have often intimidated Private Members thus hampering them from presenting bills because the Budget Act bars Private Members Bills that have financial implications. There are those bills that remain at the proposal stage and are not pursued to their logical conclusion. The opportunity here is for the proposed bill to be published in the Order Paper and therefore get public attention to it.

Issues Raised

Bills in respect to certain issues do not go beyond the stage of the Order Paper and are not debated. What is the way forward in such a situation?

As a Department, there is not much to be done. However, the members can communicate this to the media and their constituents, that they have indeed proposed a motion but there is lack of political will to have the matter debated. This would be an indicator that they have indeed done something about a given situation.

In certain situations, although a Clerk does his/her work in a neutral manner, there is sometimes a likelihood of some members thinking that a clerk favours one side more than the other. What would you advise on this?

The Clerks were advised that the golden rule is that they must always maintain neutrality in the implementation of their duties. At no time should they forget this. It is important that they serve members in a balanced way. The challenge for the Clerks Department is to ensure that the Parliamentary Committees have no say or control over the operations of the department. The Department should be neutral in its operations and will therefore not be in sticky situations where it is accused of bias.

3.0 Closing Remarks

3.1 Remarks by Sir Colin Shepherd

Sir Colin Shepherd thanked the participants for being open and frank in their discussions. He underscored the need for them to maintain neutrality at all times during the execution of their duties. He wished them all the best during the political transition and later during the era of multi-party political democracy.

3.2 Remarks by Mr. Jerry Henderson, Chief of Party, Legislative Support Activity - LSA

Mr Jerry Henderson, the Chief of Party, Legislative Support Activity - LSA thanked the facilitator for the work done. He noted the important role of the Clerks in the operation of Parliamentary Business. He stated that the clerks have been commended by the various Committee Chairpersons for their work and hoped that they would continue to exhibit such work during and after the political transition. Mr Henderson underscored the need for neutrality and impartiality in the implementation of the clerks' duties. He thanked the staff of LSA for all the work done in organizing the meeting. He further underscored the fact that there was need for cohesion in the implementation of the work of the Clerks during the transition.

3.3 Remarks by Ambassador George Jones, Director, Democracy and Governance Programs, Development Associates, Inc

Ambassador George Jones apologised for not being able to attend the entire workshop. He noted that the role of the Clerks was a very important one especially during the period of political transition. He however cautioned the Clerks that the period of political pluralism was very challenging, especially in view of the need for impartiality and neutrality on their part in the execution of their duties. He concluded by wishing them luck in their duties.

3.4 Mr. Paul Wabwire, Deputy Clerk for Legislative Services, Parliament of Uganda

Mr. Wabwire recognized the presence of the various dignatories. He thanked the facilitator Sir Colin Shepherd for building the capacity of the Clerks and for engaging them in such a thought provoking process. He further thanked the staff of the Legislative Support Activity - LSA , as well as Parliament staff, especially Mr. Dison Okumu the Director of Planning and Development Coordination Office (PDCO) of Parliament, and Mr. Emmanuel Bakwega, the Director, Department of Clerks, who had planned and organized this workshop.

Mr. Wabwire thanked Sir Colin Shepherd for highlighting the principles of neutrality and impartiality on the part of the clerks in the execution of their duties. He stated that with the respect and recognition of these principles, the department would be able to effectively implement its duties. He thanked the participants for sparing the time to attend the workshop and for the open and frank deliberations. He concluded by wishing every one present success in their work and wished them safe journies back home. Mr Wabwire then declared the workshop closed.

ANNEXURE

LIST OF PARTICIPANTS

Department of Clerks

1. Mr. Paul Gamusi Wabwire
Deputy Clerk for Legislative Services
2. Mr. Emmanuel Bakwega
Director, Department of Clerks
3. Mr. Paul Emiku
Assistant Director, Department of Clerks
4. Ms. Rose Ikiror Semakula
Principal Clerk Assistant
5. Mr. Tumukwasibwe Robert
Principal Clerk Assistant
6. Mr. Ignatius Kasirye
Principal Clerk Assistant
7. Mr. Mujuni Mpitsi
Principal Clerk Assistant
8. Mr. Kagoro John Bosco
Ag. Principal Clerk Assistant
9. Mr. Mukaga James
Senior Clerk Assistant
10. Ms. Mariam Nassali
Senior Clerk Assistant
11. Ms. Kaganzi Martha
Ag. Senior Clerk Assistant
12. Mr. Alex Obatre
Clerk Assistant

Department of Clerks

13. Mr. Benson Masereka
Clerk Assistant

14. Mr. Paul Ouma
Clerk Assistant

Parliamentary Staff

15. Mr. Dison Okumu
Director, Planning and Development Coordination Office (PDCO)

Legislative Support Activity/Development Associates Staff

16. Ambassador George Jones
Director, Democracy and Governance Programs, Development Associates, Inc.

17. Mr. Jerry Henderson
Chief of Party

18. Ms. Rosette Kuhirwa
Program Officer

19. Ms. Betty Aliebo
Intern

RAPPORTUER

20. Nina Kavuma
Legal Consultant, Tech Clay Consultants